

(2002) 05 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

COMMANDER RAKESH SHARMA

APPELLANT

Vs

Punjab National Bank

RESPONDENT

Date of Decision : 22-05-2002

Acts Referred:

Citation : 2002 3 CLT 557 : 2002 3 CPJ 165

Hon'ble Judges : J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision petition is against the order passed by the Delhi State Commission on 18.3.1998 upholding the order passed by the District Forum and rejecting the appeal of the petitioner. There is a concurrent finding of fact by both the Fora below. The facts leading to filing of the complaint in brief are as under : The petitioner had to pay to the Air Force Naval Housing Board a sum of Rs. 80,350/- in the month of May, 1991. He had a Savings Bank account with the Punjab National Bank bearing No. 5647. The petitioner issued two cheques from the said account, one for Rs. 60,350/- dated 10th May, 1991 and the other for a sum of Rs. 20,000/- dated 13.5.1991. To ensure the availability of necessary balance in his account he deposited two cheques, one drawn on Nanakpura Branch of the Punjab National Bank for Rs. 10,000/- and another cheque drawn on Bank of India, Parliament Street, New Delhi for a sum of Rs. 6,000/-. Both the cheques were deposited on Sunday, the 12th May, 1991. The Moti Bagh Branch sent the cheque drawn on the Bank of India on the next working day, i.e. 13th May, 1991. The cheque was cleared and credited to the account of the complainant on 15.5.1991 while the other cheque drawn on the Nanakpura Branch could not be sent on the following day, namely, Tuesday, the 14th May, 1991 as that was an off-day for the branch. Tuesday was also off-day for the Moti Bagh branch. The said cheque was consequently sent for realisation on 15th May, 1991 and it was not cleared until 16th May, 1991. In the meanwhile, both the cheques issued in favour of the Air Force Naval Housing Board were presented on 15th May, 1991. The Bank decided to make payment against the cheque for smaller amount, i.e. Rs. 20,000/- and referred the other cheque to the drawer on

account of "insufficient funds". For this lapse, complainant was made to pay penalty of Rs. 1,508.85. He has alleged that he suffered humiliation and inconvenience inasmuch as the Air Force Naval Housing Board stated that in future they will not be accepting the cheques from the complainant petitioner. On consideration of the facts and the circumstances leading to the return of the cheque both the Fora below found that there was no ground to hold any kind of deficiency in service. The argument that Bank should have returned the cheque with the remarks "effects not cleared" and not on the ground "refer to drawer" was also not accepted by the Fora below and in our opinion rightly so. Taking an overall view of the matter there appears to be no element of neglect or deficiency in service nor is any ground brought to our notice which could lead to the inference of any illegality or jurisdictional error in the judgment below. In the light of this, we do not find any ground to interfere with the concurrent finding of the Fora below. Consequently, this revision petition is dismissed. In the facts and circumstances of the case, there is no order as to costs. Revision Petition dismissed.